

Before the  
Federal Communications Commission  
Washington D.C. 20554

In the Matter Of The Application of	)	
Broadview Networks, Inc.	)	
For An Automatic Grant of Authority	)	WC Docket No. _____
To Discontinue Services Pursuant to	)	
Rule Section 63.71(i) and Section 214	)	
of the Communications Act of 1934	)	

**SECTION 63.71(i) APPLICATION OF BROADVIEW NETWORKS, INC.**

Broadview Networks, Inc., a Windstream company (hereinafter, "Windstream"), through its undersigned counsel and pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214, and Section 63.71(i) of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. §63.71(i), hereby files this Application for automatic grant of authority to discontinue, concurrent with the effective date of Verizon's retirement of the underlying copper facilities, for the services and in the areas hereinafter identified. In support of this Application, Windstream submits the following information:

**1. Information listed in 47 C.F.R. § 63.71(a)(1)-(4) (47 C.F.R. § 63.71(b)(2)):**

**a. Name and Address of Carrier (47 C.F.R. § 63.71(a)(1)-(4), (b)(2)):**

Broadview Networks, Inc.<sup>1</sup>  
4001 North Rodney Parham Rd.  
Little Rock, AR 72212

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<sup>1</sup> FRN 0003775285

**b. Date of Planned Discontinuance (47 C.F.R. § 63.71(a)(2), (b)(2)):**

Windstream plans to discontinue the Affected Service on or about January 13, 2020.

**c. Point of Geographic Areas of Service Affected (47 C.F.R. § 63.71(a)(3), (b)(2)):**

The Affected Services will be discontinued in the areas of: Ewing, New Brunswick and Somerville, NJ; New York and Queens, NY; and Philadelphia, PA.

**d. Brief Description of the Type of Service to be Affected (47 C.F.R. § 63.71(a)(4), (b)(2)):**

The services to be affected are OPX (Off Premises Extension), PBX (Private Branch Exchange) Trunks and DSL (Digital Subscriber Line).

**2. Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. § 63.71 (b)(3)):**

On date November 19, 2019 Windstream sent by First Class U.S. Mail notice to all affected customers of the planned discontinuance. A copy of such notice is attached hereto as Attachment 1, which is compliant with, among other things, Section 63.71(a)(5) of the Commission's rules, 47 C.F.R. § 63.71(a)(5).

**3. Regulatory Classification of Carrier (47 C.F.R. § 63.71 (a)(4)):**

Windstream is nondominant with respect to the services that it proposes to discontinue.

**4. Service:**

In accordance with Section 63.71(a)(1) of the Commission's rules, 47 C.F.R. § 63.71(a)(1), Windstream is submitting a copy of this Application by First Class U.S. Mail to the New Jersey Board of Public Utilities, the New York Public Service Commission, and the Pennsylvania Public Utility Commission; and to the Office of New Jersey Governor, Phil Murphy, to the Office of New

York Governor, Andrew Cuomo, and to the Office of Pennsylvania Governor Tom Wolf; and also to the Secretary of Defense (at the address given in 47 C.F.R. § 63.71(a)).

**5. Additional Questions Regarding This Application May be Addressed to the Undersigned.**

**6. Circumstances of Discontinuance.**

Windstream provides the Affected Services in the above-identified areas via a copper-based network that Windstream leases from Verizon. Verizon is retiring the copper network in these locations and replacing it with fiber facilities. It is not technically feasible under the circumstances for Windstream to provide the Affected Services via leased fiber loops -- i.e., the Affected Services are provided on end-of-life copper facilities that are scheduled to be decommissioned on or after January 13, 2020. A total of four (4) Windstream business customers will be affected as a result of Verizon's copper retirement. Customers will have the option to transition to alternative services delivered via Windstream or through another provider.

**7. Technology Transition**

Because some of the legacy services covered by this Application (i.e., OPX and PBX Trunk services) include voice service capability and cannot be provisioned over fiber facilities, in this instance Verizon's copper retirement is triggering a technology transition<sup>2</sup> by Windstream for these customers. Windstream hereby confirms that it offers a stand-alone interconnected VoIP service throughout the affected service area, and at least one other alternative stand-alone

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<sup>2</sup> 47 C.F.R. §63.60(i).

facilities-based wireline or wireless voice service is available from another unaffiliated provider throughout the affected service areas.<sup>3</sup>

## **7. Conclusion**

Verizon's retirement of copper facilities is the direct cause of Windstream's proposed discontinuance of the Affected Service. Thus, automatic approval concurrent with the effective date of the copper retirement – i.e., January 13, 2020 is available, contingent upon the submission of a certification by an authorized representative of the Applicant that the discontinuance is caused by the copper retirement,<sup>4</sup> and upon the filing of the Application at least forty (40) days prior to the retirement effective date, which is satisfied here.<sup>5</sup> Windstream will take reasonable steps, to the extent that is able, to assure that the discontinuance of this service is not unduly disruptive to the present or future public convenience and necessity. Accordingly, Windstream respectfully requests that the Commission process this Application pursuant to Section 63.71(i).

Respectfully Submitted,



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November 25, 2019

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<sup>3</sup> 47 C.F.R. §63.71(f)(2)(ii)(A) and (B).

<sup>4</sup> See Attachment 2.

<sup>5</sup> 47 C.F.R. §63.71(i)(1) and (2).

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Section 63.71 Application was served this 25<sup>th</sup> day of November, 2019, by mailing true and correct copies thereof, postage prepaid, to the following persons to the addresses listed below.

Secretary of Defense  
Attn: Special Assistance for Telecommunications  
Pentagon  
Washington, DC 20301

New Jersey Board of Public Utilities  
Attn: Kristi Izzo, Secretary of the Board  
44 So. Clinton Avenue  
Trenton, NJ 08609


New York Public Service Commission  
Attn: Kathleen H. Burgess, Secretary to the Commission  
Empire State Plaza, Agency Building 3  
Albany, NY 12223-1350

Pennsylvania Public Utilities Commission  
Attn: Rosemary Chiavetta, Secretary  
400 North Street, Keystone Bldg.  
Harrisburg, PA 17120

Office of Governor Phil Murphy  
PO Box 001  
Trenton, NJ 08625

New York Governor Andrew Cuomo  
State Capitol  
Albany, NY 12224

Office of Governor Tom Wolf  
225 Main Capitol Bldg.  
Harrisburg, PA 17120



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Edward J. Cadieux

## **Attachment 1**

### **Customer Notice**

**Attachment 2**

**Certification Pursuant to Sec 63.71(i)(2)**